

REMARKS

In view of the above amendments and following remarks, reconsideration and further examination are requested.

Initially, the courtesies extended by Examiner Buechner during the telephonic interview conducted on November 2, 2004, are greatly appreciated.

During this phone conversation the 35 U.S.C. 103(a) rejection of claims 1-16 as being unpatentable over Herzig in view of Roders et al. was discussed, and the Examiner expressed that he would maintain the rejection of claims 1 and 10 as being obvious over a combination of Herzig and Roders et al. Accordingly, Applicant's undersigned representative proposed to amend each of claims 1 and 10 by reciting after the word "container" in the final line thereof, the following clause

, wherein said nozzle body defines an opening that has a cross-sectional area at said downstream side that is less than a cross-sectional area of said opening at said upstream side.

Applicant's undersigned representative explained that were Herzig modified in view of Roders et al. as proposed by the Examiner, then the resulting nozzle body would define the exact opposite, i.e. an opening that has a cross-sectional area at said downstream side that is greater than a cross-sectional area of said opening at said upstream side. In this regard, the opening (44, 46) that the Examiner has defined in Roders et al. is opposite to the above limitation since it increases in cross-sectional area toward the discharge opening 48. The Examiner agreed that such an amendment would define around the current rejection of record, and accordingly, by the current Amendment claims 1 and 10 have been so amended. Thus, claims 1 and 10 are allowable.

Next discussed was the rejection of claims 5 and 13. Specifically, Applicant's undersigned representative explained why it is believed that a combination of Herzig and Roders et al. would not result in the invention as recited in these claims. In this regard, it was explained that were the seal 19 of Herzig incorporated into the nozzle of Roders et al., this seal would be positioned at the upstream end of shot-chamber 34 such that the seal would be positioned at an upstream end part of the welded portions having the greater width (i.e. upstream of the welded portion bounding throat

portion 44) and not at a downstream end part thereof, as required by claims 5 and 13. This is so because, the upstream end of shot-chamber 34 corresponds to the position in Herzig where seal 19 is located. In order for the seal to be positioned at a downstream end part of the welded portion bounding throat portion 44, the seal would have to be positioned within venturi shaped passageway 40 at a junction of throat portion 44 and tapered section 46; however, this location does not correspond to the position in Herzig where seal 19 is located. Thus, claims 5 and 13 are allowable.

Finally, claims 9 and 12 are believed to be patentable in their own right over a combination of Herzig and Roders et al. In this regard, these claims require lateral sides extending substantially "linearly" from the upstream end to the downstream end, whereas in Roders et al. the corresponding lateral sides (i.e. those defining 44 and 46) do not extend linearly, but rather form an angle. Thus, claims 9 and 12 are patentable in their own right.

In view of the above discussion and amendments to claims 1 and 10, the Examiner is respectfully requested to reconsider the provisional double-patenting rejection.

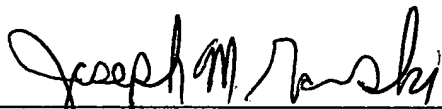
It is respectfully submitted that the application is now condition for allowance, with the allowed claims being 1-16, and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicant's undersigned representative by telephone to resolve such issues.

Respectfully submitted,

Tadashi HAGIHARA

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By: 
Joseph M. Gorski
Registration No. 46,500
Attorney for Applicant

JMG/kes
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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